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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,662	10/16/2003	Christopher Brink	JD-243A	2661

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EXAMINER

EL ARINI, ZEINAB

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/605,662	<b>Applicant(s)</b> BRINK, CHRISTOPHER	
	<b>Examiner</b> Zeinab E. EL-Arini	<b>Art Unit</b> 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.  
     4a) Of the above claim(s) 24-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).


\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/16/03,04/02/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Election/Restrictions***

- 
1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
    - I. Claims 1-23, drawn to a system for treatment of a conveyor belt, classified in class 134, subclass 122R.
    - II. Claim 24-29, drawn to a method of cleaning a conveyor belt, classified in class 134, subclass 15.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another apparatus such as one without at least one conveyor belt guide.
3. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.
4. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
5. During a telephone conversation with Neil Hamilton on 2/14/06 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-23.

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Affirmation of this election must be made by applicant in replying to this Office action.

Claims 24-29 are withdrawn from further consideration by the examiner, 37

CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 5-6, 10 12-14, and 17-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5, line 2, "the purging" lacks antecedent basis.

In claim 6, line 2, "the bottom" lacks antecedent basis.

In claim 10, line 1, "there at least" is indefinite term. At line 3, "the topside", and at line 4, "the underside" are without antecedent basis.

In claim 12, line 2, "the topside" lacks antecedent basis.

In claim 13, line 2, "the topside", at line 3, "the underside" are without antecedent basis.

In claim 14, lines 1-2, "in the in the" is indefinite term.

Claims 17-20 are confusing and cannot be understood.

In claim 21, line 2, "the system use" lacks antecedent basis. At line 1, before "comprising", "further" should be inserted.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-3, 9-10, 12, 14, and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka et al. (5,368,650).

Tanaka et al. disclose a system for washing conveyor belt. The system comprises washing bath (a sump basin containing solution), at least one conveyor built guide, and at least one wash spray bar submersed below the solution. See Fig. 9. The reference discloses the circulation pump (see col. 4, lines 36-40, Fig. 9. The reference also discloses the washing solution, and at least two spray bars as claimed. See Fig. 9.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-3, 5, and 9-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Terry (6,050,391).

Terry discloses a system for cleaning a conveyor belt comprising a sump basin, a conveyor belt guide, and spray bar as claimed. See col. 2, lines 47-67, col. 3, lines 33-38, the abstract, and Fig. 1.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 4-8, 11, 13, 15-16, and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. in combination with Malmberg et al. (5,598,915), Virippil et al. (6,360,874) and EP 58113023 (EP'023).

Tanaka et al as discussed supra teach all limitations with the exception of cascade drain, skimmer drain, drain in the bottom of the sump basin, shedding pan, and the monitoring system as claimed.

Malmberg et al. disclose belt washer comprising spray nozzle, pump, cascade drain (16), and skimmer drain. See Fig. 1, col. 1, lines 33-45 and the claims.

Virippil et al. disclose an automated conveyor cleaning system. The reference discloses the control system, the pump, belt guide, and spray bars. See col. 1, lines 36-65, and the claims.

EP'023 discloses belt cleaner comprising sump basin containing solution, belt guide and drain at the bottom of the sump basin. See the abstract and the drawings.

It would have been obvious for one skilled in the art to use the drains of Malmberg et al. and EP'023, and the controller taught by Virippil et al. in the Tanaka et al system to improve and enhance the cleaning system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zeinab E. EL-Arini whose telephone number is (571) 272-1301. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Zeinab Elarini*  
Zeinab E. EL-Arini  
Primary Examiner  
Art Unit 1746

ZEE  
02/27/06